



**DMCJA Board of Governors Meeting**  
**Friday, December 11, 2015, 12:30 p.m. – 3:30 p.m.**  
**AOC SeaTac Office**  
**SeaTac, WA**

## MEETING MINUTES

### **Members Present:**

Chair, Judge David Steiner  
Judge Scott Ahlf  
Judge Joseph Burrowes  
Judge Karen Donohue  
Judge Douglas Fair  
Judge Michelle Gehlsen  
Judge Michael Lambo (non-voting)  
Judge G. Scott Marinella  
Judge Samuel Meyer  
Commissioner Susan Noonan  
Judge Kevin Ringus (non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson  
Judge Charles Short  
Judge David Svaren  
Judge Tracy Staab

### **Guests:**

Ms. Paulette Revoir, DMCMA  
Judge Harold Clarke III, SCJA  
Judge Michael Downes, SCJA  
Ms. Deena Kaelin, MCA  
Judge Kimberly Walden, DMCJA (via phone)  
Loyd Willaford, Esq., WSAJ

### **AOC Staff:**

Ms. J Benway, AOC (via phone)  
Ms. Vicky Cullinane, Business Liaison  
Ms. Sharon R. Harvey, Primary DMCJA Staff  
Mr. Dirk Marler, Jud. Serv. Div. Director

### **Members Absent:**

Judge Janet Garrow (non-voting)  
Judge Judy Jasprica (non-voting)

Judge David Steiner, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 PM. Judge Steiner asked attendees to introduce themselves.

## **GENERAL BUSINESS**

### **A. Minutes**

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Meeting Minutes for November 13, 2015.

### **B. Treasurer's Report**

M/S/P to approve the Treasurer's Report.

### **C. Special Fund Report**

M/S/P to approve the Special Fund Report. Judge Ahlf informed that there is a list of DMCJA judges who have paid their special fund assessment and membership dues.

### **D. Standing Committee Reports**

#### **1. *Legislative Committee***

Judge Meyer reported on the status of the DMCJA proposed legislation, namely, the (1) Parks Discover Pass Fine Split, (2) Bail Bonds relating to the surrender of a defendant, and (3) courts' consultation of the Judicial

Information System (JIS) before granting orders. Judge Meyer informed that the Association of Counties will work with the DMCJA lobbyist and take the lead on the Discover Pass bill. Regarding the bail bonds bill, the lobbyists for the bail bond industry are okay with the proposed DMCJA bill. Melanie Stewart, Esq., DMCJA lobbyist, continues to shop for support of the courts' consultation of JIS before granting orders bill. Judge Meyer further reported on a bill that would require courts of limited jurisdiction (CLJs) to fingerprint defendants. There is a meeting regarding this bill on Tuesday, January 5, 2016. Judge Meyer plans to attend this meeting. Judge Meyer further informed that Judge Glenn Phillips continues to participate with the legislative driving under the influence (DUI) Workgroup. There is an alcohol monitoring legislative work session tentatively scheduled for January 12, 2016. Judge Meyer requested a volunteer to attend the work session.

Judge Meyer further addressed the legislative work session regarding the Office of the Superior Court Judges' Association bill that was held on November 20, 2015. Mellani McAleenan, Esq., Administrative Office of the Courts, testified along with Judges Harold Clarke and Jeffrey Ramsdell, Superior Court Judges' Association. Judge Meyer requested that the Board vote on an official DMCJA position to the SCJA's proposed bill. The Board discussed the bill.

M/S/P to make an action item the official DMCJA position regarding the Superior Court Judges' Association bill to establish an Office of the Superior Court Judges' Association.

## *2. Bylaws Committee Report*

Ms. J Benway informed that the Bylaws Committee has prepared an amendment to include the Legislative Committee in the DMCJA Bylaws. The Committee made minor changes regarding the Legislative Committee's charges in order to reflect the actual work of the Legislative Committee. The Board reviewed the draft amendment, which will be an action item at the January 8, 2016 Board meeting. The full DMCJA membership will vote on the bylaws amendment to include the Legislative Committee at the Spring Conference.

### E. Trial Court Advocacy Board (TCAB)

Judge Steiner reported that the TCAB has addressed issues relating to (1) the Court Security Rule and (2) General Rule (GR) 31.1.

#### *Court Security Rule*

Judge Steiner provided an update on the status of the Court Security Rule. Amendments to the Rule were made by the Supreme Court Rules Committee. In addition, Ms. Callie Dietz, State Court Administrator, provided some suggested changes, which are as follows:

*Security Drills: It is recommended that each court hold security drills as determined by the Court Security Committee, as deemed necessary by the Presiding Judge in consultation with other authorities in the courthouse. Drills should include all court personnel, prosecutors, defense attorneys, police, law enforcement, and other regular court users.*

The TCAB decided to include Ms. Dietz' suggestion with an amendment to the first sentence, which would read, "Each court may hold security drills as determined by the Court Security Committee . . . ." The DMCJA Board was asked to vote on the TCAB changes to the Court Security Rule.

M/S/P to make approval of the Court Security Rule amendments an action item.

#### *General Rule (GR) 31.1, Access to Administrative Records*

Judge Steiner further reported that the TCAB discussed the Judiciary's policy for GR 31.1. He stated that there are three types of records, (1) Administrative, (2) Case or Court, and (3) Chambers. Judge Downes, SCJA

Liaison, expressed the SCJA concern regarding an AOC policy that the SCJA administrative staff's correspondence would be included as Chambers records. Judge Downes also expressed that any GR 31.1 policy should not make any judge a de facto Public Records Officer, regardless of whether the judge is an officer of a Judges' Association.

Judge Steiner informed that a meeting regarding the Judiciary's GR 31.1 policy will be held on Monday, December 14, 2015. The Board briefly discussed the documents that are disclosable under GR 31.1, which becomes effective January 1, 2016.

#### F. Judicial Information System (JIS) Report

Ms. Cullinane, AOC business liaison, reported on several topics relating to the JIS. She informed that legislative money will become available for the courts of limited jurisdiction case management system project (Project) in January 2016. Some of the funds will be used to hire a third party quality assurance vendor, which is a best practice for a project of this size. The Project court user work group (CUWG) will soon vote on the final business requirements for the Project. Further, Ms. Cullinane requested that the association write a letter to the Legislature expressing the negative impact a particular budget proviso has on the Project. Ms. Cullinane further reported that there are improvements to the Judicial Access Browser System (JABS). She also informed that an expedited data exchange workgroup will be formed in the near future.

#### G. Judicial Information System Committee (JISC) Report

Judge Svaren and Judge Marinella are DMCJA Representatives on the JISC. They alternate in providing JISC reports. Judge Svaren provided the report for this meeting. The first part of the report was dedicated to the Data Dissemination Committee meeting. Judge Svaren reported that the issue regarding WSP JIS access reported by Judge Marinella previously has been resolved. WSP is required by law to eliminate juvenile records, pursuant to RCW 13.50.270. AOC staff developed a work around whereby WSP was given level 25 prosecutor access that enabled WSP to note the existence of the cases which could then be accessed through a specialized BOXI report. The Center for Children and Youth Justice (CCYJ) is requesting DCH access which would enable them to find aliases for juveniles whose records they are attempting to seal. The Committee discussed providing the CCYJ with access to these records, however, this idea was not favored because DCH access also allows access to information that should not be widely disseminated including personal identifiers. This issue will be studied as a JISC subcommittee reviews and updates the JISC Data Dissemination Policy. The Committee noted that the Odyssey portal could provide WSP with access to juvenile records. The Committee also asked the data dissemination group to allow the WSP prosecutor access to eliminate juvenile records. There were issues involving a contract a contract with the Feds concerning the use of case information sought by them for purposes of a study. Hopefully the contract issues can be resolved but the Federal agency did not have legal counsel on the call so the issues remain unresolved. There were a number of questions regarding Odyssey Portal Access which the committee deemed premature.

The JISC met following the DDC meeting. Judge Svaren briefly mentioned the provisos attached to courts of limited jurisdiction case management system (CLJ-CMS) funding which provisos are onerous and deemed unnecessary. Further, Judge Svaren informed that the JIS retention schedule for Small Claims Court cases has been amended from five years to ten years in order to coincide with the 10 year judgment collection period. He then reported that there were issues regarding the synchronization between the old and new Superior Court case management systems. The issues, however, have only occurred with Lewis County, which was been isolated until the situation was resolved. A certain amount of money has been allocated for overtime and backfill for implementation of the system as new counties adopt the SC-CMS. The JISC had a lively discussion how to parcel this out fairly so that there will be funds left for the later adopters. Finally, the Expedited Data Exchange project continues to move forward. Some JISC members continue to express concern that AOC and King County are the only current Expedited Data Exchange Committee members. AOC staff pointed out that the current EDEC will expire as soon as King County goes on line with the Data exchange and a new committee will be appointed with a broader membership. Judge Svaren reported that the CLJ-CMS Project is moving forward.

#### **LIAISON REPORTS**

A. District and Municipal Court Management Association (DMCMA)

Ms. Paulette Revoir reported that the DMCMA voted to oppose a bill that requires courts of limited jurisdiction to provide fingerprinting services. The DMCJA sent a formal letter to Mr. Ramsey Radwan, AOC Management Services Division Director, expressing its opposition to the bill.

B. Misdemeanant Corrections Association (MCA)

Ms. Kaelin reported that the MCA continues to prepare for its Annual Spring Conference in April 2016.

C. Superior Court Judges Association (SCJA)

Judge Downes reported that the SCJA supports the DMCJA's efforts for a new case management system, which is known as the CLJ-CMS.

D. Board for Judicial Administration (BJA)

Judge Ringus reported that the next BJA meeting is December 18, 2015. He also reported that a motion for the BJA to support the SCJA's legislative proposal for an Office of the Superior Court Judges' Association had failed at its meeting on November 20, 2015.

E. Washington State Association for Justice (WSAJ)

Mr. Wilaford expressed that this is his first DMCJA Board meeting, and, therefore, he would prefer to listen and report at future meetings.

F. Administrative Office of the Courts (AOC)

Mr. Marler, AOC Judicial Services Division Director, reported that the AOC is working on four major case management projects. The AOC has been working on the CLJ-CMS Project by reprioritizing existing resources and services as there are no available funds for the Project until January 2016. Mr. Marler reported that the AOC has endeavored to make the CLJ Project a priority, and, all hands are on deck in order to successfully move forward on all the projects. He mentioned a function of the Superior Court's Odyssey case management system in which the Odyssey portal is a great product but required AOC to shift resources to manage access to case information. There is data replication with existing systems that requires manual intervention and process that were not in the resource plan. A team has been developed, however, to handle the issue. SCJA and DMCJA identified case management systems as their highest priority, and AOC has focused its resources accordingly.

In addition, Mr. Marler informed that the AOC Legislative Team will work through the 2016 Legislative Session to identify bills of interest and impact to judges' associations as well as the AOC. There will be additional staff training on how to track bills and how to communicate better internally. The implementation of bills will also be a focus. He then discussed the BJA joint meeting at which a court manager of the year award will be presented. Staff are working on plans to provide more substantive training and education for courthouse facilitators. The AOC is also working with the BJA Court Education Committee on a request for additional financial resources from the Legislature for judicial education. Mr. Marler then informed that the Annual Judicial Conference will be held from September 11-14, 2016 in Spokane, WA.

**ACTION**

- A. M/S/P to make an action item the official DMCJA position regarding the SCJA legislative bill to establish an Administrative Office of the Superior Court Judges' Association. M/S/P that the official DMCJA position is not to take a position on the SCJA's proposed bill to establish an Administrative Office of the Superior Court Judges' Association.

- B. M/S/P to make an action item whether to approve the TCAB amendments to the Court Security Rule. M/S/P to adopt the TCAB amendments to the Court Security Rule.
- C. M/S/P to make an action item whether to continue the Operating Level Agreement (OLA), which provides the terms, roles, and responsibilities of the AOC and the DMCJA regarding the DMCJA website. M/S/P to continue the OLA for an additional three years. The OLA expires in September 2016. The vote would allow the DMCJA President to re-sign the Agreement in 2016.

## **DISCUSSION**

### *A. Judicial Independence/Fire Brigade Committee*

Judge Steiner informed that he would like to establish a Judicial Independence Fire Brigade Committee that would create its own parameters. The Board discussed issues that this Committee could address, such as district and municipal court salaries and city closures of municipal courts during an elected municipal court judge's term. Board members also addressed the current fire brigade committees, such as the statewide fire brigade and the Bench Bar Press fire brigade. Judge Steiner stated that he would send an e-mail to the Board soliciting ideas for the charges of the Judicial Independence Fire Brigade. A Chair for the Committee must also be selected.

### *B. DMCJA Website*

Judge Walden, Chair of the DMCJA Technology Committee, recommended that the Board vote to re-sign an Operating Level Agreement, which outlines the terms and roles of AOC and DMCJA members regarding website maintenance. Mr. Marler stated that the AOC consents to re-signing the agreement because there is no burden on the AOC to maintain this website. Judge Walden noted that the DMCJA website has been in existence since 2013.

M/S/P to make this issue an action item.

### *C. Trial Court Security Rule Update*

President Steiner noted that this topic was discussed earlier during the meeting.

### *D. Washington State Access to Justice Board (ATJ) Liaison Position Vacancy*

Judge Steiner requested that Judge Donohue serve as the DMCJA liaison to the ATJ. Judge Donohue stated that she would get back with Judge Steiner to see whether she could serve on the ATJ because she has several other major judicial commitments.

### *E. Superior Court Judges' Association Legislation Update*

Judge Steiner noted that this topic was discussed during the Legislative Committee update portion of the meeting.

## **INFORMATION**

The Board will discuss the proposed amendments to Civil Rule 55 and Civil Rule for Courts of Limited Jurisdiction 55, Entry of Default Judgment, at its next meeting.

## **OTHER BUSINESS**

- A. Board members were informed that the next scheduled meeting is Friday, January 8, 2016.

**ADJOURNED** at 2:01 PM.